

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 PATRICK BRUCE GORDON,

12 Petitioner,

No. CIV S- CMK P

13 **DEATH PENALTY CASE**

14 vs.

15 EDDIE YLST, Acting Warden, et al.,¹

16 Respondents.

ORDER

17 _____/
18 Petitioner, a state prisoner proceeding with appointed counsel, brings this petition
19 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 14, 2006, petitioner filed a
20 request for a status conference to discuss respondent's recent submission of materials for
21 in camera review and for scheduling in this matter.

22 The court will grant petitioner's request. Additionally, as a method to manage
23 and monitor the costs of capital cases, the undersigned will adhere to the Ninth Circuit's Capital
24 Case Budgeting Project. In accordance with this, petitioner will be required to prepare and
25 _____

26 ¹Pursuant to Federal Rule of Civil Procedure 25(d), Eddie Ylst is substituted for his predecessor.

1 submit budgets for tasks to be performed by attorneys and paralegals and for expenses incurred
2 for investigative, expert and other services.² A separate budget is required for each of the four
3 phases of this litigation: Phase I (appointment, record review and preliminary investigation);
4 Phase II (petition, preparation, answer, and exhaustion); Phase III (merits briefing, fact
5 development, discovery, and motion for an evidentiary hearing); and Phase IV (pre-evidentiary-
6 hearing-discovery, evidentiary hearing, and final briefing). A review of the docket indicates that
7 the instant case has not previously been budgeted, but it is in phase three of the automated
8 budgeting process.

9 The court will set a status conference on May 16, 2006 at 10:00 a.m at the United
10 States District Court, 2986 Bechelli Lane, Redding, California. Following discussion by the
11 parties on the respondent's recent submission of materials for in camera review, other pending
12 discovery matters and further scheduling, the court will excuse respondent's counsel and conduct
13 an ex parte hearing regarding the budgeting of this case. Petitioner's counsel shall submit to the
14 court a proposed Phase III budget no later than May 2, 2006. The court will review the
15 submitted budget and discuss the budget with petitioner's counsel at the May 16, 2006 hearing.
16 Thereafter, the court will enter an order concerning the budget.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24

25 ² To the extent that petitioner's counsel is unfamiliar with the automated budgeting
26 process, they are encouraged to contact this chambers or the Office of the Circuit Executive for
the Ninth Circuit for more information.

1 IT IS ORDERED that:

2 1. A status conference is set for May 16, 2006 at 10:00 a.m. before the
3 undersigned at the United States District Court, 2986 Bechelli Lane, Redding, California;

4 2. Counsel for petitioner shall submit a proposed Phase III budget, consistent
5 with the automated budgeting process developed by the Judicial Counsel, by May 2, 2006; and

6 3. Pursuant to Federal Rule of Civil Procedure 25(d), the Clerk of the Court is
7 directed to substitute Eddie Ylst, Acting Warden, in the caption of this case.

8
9 DATED: April 5, 2006.

10
11 
12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26